IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17077 of 2007(G)
IN I.A.NO.1860/07 IN O.S.NO.292/1986 OF
THE PRINCIPAL SUB COURT, PARAVUR}
.....

PETITIONER:

ASHA SENAN, D/O LATE VIJAYA SENAN NAIR,
"APSARA", EROOR KARA, KANAYANNORE TALUK,
ERNAKULAM DISTRICT.

BY ADVS. SRI.JOSE ABRAHAM
SRI.ANIL THOMAS (MELEMALAYIL)

RESPONDENTS:

1. RAMAN NAIR(DEAD), S/O KUNJAN NAIR,
KAKKATTUPADY HOUSE, ELAMBAKAPPILLY KARA,
VENGOOR WEST VILLAGE,
KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

2. STATE OF KERALA REPRESENTED BY THE
GOVERNMENT PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C) No.17077 2007 G

Dated this the 8th day of June, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Subordinate Judge's Court, North Parur, to consider and dispose of I.A.No.1860/07 without insisting on service of notice to the respondents.

2. The writ petitioner has approached this court with a prayer to lift the attachment effected in O.S.No.292/86 of the Subordinate Judge's Court, North Parur. It is submitted that the plaintiff instituted execution proceedings before the Subordinate Judge's Court, Ernakulam and the same was numbered as E.P.No.1196/92 and it has been closed by the Court on 18.3.1997, as the judgment debtor paid off the entire amount. In the execution petition, the Ernakulam Sub Court attached another property.

3. Whatever it may be, in order to lift the attachment, which is said to have been effected before two decades, materials and particulars are necessarily to be furnished before the court. If the suit has been decreed and

subsequently the decree has been satisfied, then it is incumbent upon the court to inform the Sub Registrar's Office regarding the satisfaction of the decree with an order to raise the attachment. So, in order to enable the court to arrive at a decision, necessarily, particulars are to be furnished.

4. Therefore, I direct the present petitioner to furnish necessary particulars and since there is a long gap of time, the court also, without insisting on technicalities, shall try to find out whether the decree has been satisfied so that the attachment can be lifted. Meanwhile, the writ petitioner may also take out notice to the respondents in the petition, if the plaintiff or his legal representatives enters appearance and submits before the court regarding the satisfaction of the decree, then it will also enable the court to lift the attachment.

Writ petition is disposed of as above.

Sd/-

(M.N.KRISHNAN)
JUDGE

sk/

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P.S. To Judge